

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-7760

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

KEVIN E. BALL,

Defendant - Appellant.

Appeal from the United States District Court for the Southern District of West Virginia, at Charleston. John T. Copenhaver, Jr., District Judge. (CR-99-229; CA-02-229-2)

Argued: May 24, 2005

Decided: June 29, 2005

Before WILKINSON, MICHAEL, and TRAXLER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

ARGUED: Paul Samuel Rosenzweig, Washington, D.C., for Appellant. Michael Lee Keller, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Charleston, West Virginia, for Appellee. **ON BRIEF:** Thomas J. Gillooly, Charleston, West Virginia, for Appellant. Kasey Warner, United States Attorney, Charleston, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

In an earlier appeal we affirmed Kevin E. Ball's conviction and sentence for possession of a firearm after conviction of a misdemeanor crime of domestic violence in violation of 18 U.S.C. §§ 922(g)(9) and 924(a)(2). See United States v. Ball, 7 Fed. Appx. 210 (4th Cir. 2001). Thereafter, Ball filed in the district court a Motion to Vacate, Set Aside, or Correct Sentence under 28 U.S.C. § 2255. The district court, after concluding that none of Ball's six grounds for relief had merit, entered an order denying his § 2255 motion. Ball filed a timely notice of appeal, and the district court granted a certificate of appealability on three issues: (1) whether Ball's Fifth Amendment rights were violated when he was questioned outside his home without benefit of warnings required by Miranda v. Arizona, 384 U.S. 436 (1966); (2) whether Ball's conviction violated the Ex Post Facto Clause, U.S. Const. art. I, § 9, cl. 3; and (3) whether Ball received ineffective assistance of counsel because his trial counsel did not raise the Miranda issue. In reviewing these issues, we have considered the briefs, the joint appendix, and the arguments of counsel. Finding no error, we affirm on the reasoning of the district court. Ball v. United States, civ. action no. 2:02-00229 (S.D. W. Va. Aug. 31, 2004).

AFFIRMED